

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

BRION EDWARD GARRETT,)	
)	
Plaintiff,)	
)	
VS.)	No. 16-2850-JDT-tmp
)	
JOSEPH WARREN, ET AL.,)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION
AND TRANSFERRING CASE PURSUANT TO 28 U.S.C. § 1406(a)

On October 27, 2016, Plaintiff Brion Edward Garrett, a resident of Memphis, Tennessee, filed a *pro se* complaint pursuant to 42 U.S.C. § 1983, accompanied by a motion to proceed *in forma pauperis*. (ECF Nos. 1 & 2.) United States Magistrate Judge Tu M. Pham granted leave to proceed *in forma pauperis*. (ECF No. 7.) On November 2, 2016, Magistrate Judge Pham issued a Report and Recommendation (“R&R”) in which he recommended transferring the case to Texas pursuant to 28 U.S.C. § 1406(a). (ECF No. 8.) Objections to the R&R were due within fourteen days, on or before November 21, 2016. *See* Fed. R. Civ. P. 72(b)(2); *see also* Fed. R. Civ. P. 6(a), (d). However, Plaintiff has filed no objections.

Plaintiff complains of events that occurred in the City of Snyder, Texas. He has sued the City of Snyder Police Department and three Snyder police officers, alleging violation of

his civil rights. Magistrate Judge Pham found that venue does not lie in this district. Other than the fact that Plaintiff resides here, there is no connection with this district. All of the relevant events occurred in Texas, and all of the Defendants are located there. *See* 28 U.S.C. § 1391(b)(1)-(2). Therefore, the Magistrate Judge concluded that a transfer to Texas is appropriate. Snyder, Texas is in Scurry County (*see, e.g.*, ECF No. 1-2 at 1; ECF No. 1-3), which is part of the Lubbock Division of the Northern District of Texas. *See* 28 U.S.C. § 124(a)(7).

The Court agrees with Magistrate Judge Pham's conclusion and ADOPTS the R&R. Accordingly, this case is hereby TRANSFERRED, pursuant to 28 U.S.C. § 1406(a), to the Lubbock Division of the U.S. District Court for the Northern District of Tennessee.

The Clerk is directed to close this case without entry of judgment.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE